

Amendment No. 1 to SB1752

McNally
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1752

House Bill No. 895*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-102 is amended by adding the following as a new, appropriately numbered subsection:

(___) Video programming services:

(A) "Video programming services" means programming provided by or generally considered comparable to programming provided by a television broadcast station and shall include cable television services sold by a provider authorized pursuant to title 7, chapter 59, wireless cable television services (multipoint distribution service/multichannel multipoint distribution service) and video services provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology.

(B) "Video programming services" shall not include any of the following:

- (i) Digital products delivered electronically, including but not limited to software, music, video, reading materials or ring tones;
- (ii) Audio and video programming services provided by a commercial mobile service provider as defined in 47 U.S.C. §332(d);
- (iii) Audio and video programming services provided as part of, and via, a service that enables end users to access content, information, electronic mail or other services offered over the public Internet; and
- (iv) Direct-to-home satellite television programming services.

SECTION 2. Tennessee Code Annotated, Section 67-6-102(34)(E)(iv) is amended by deleting the language "cable television service provider authorized pursuant to title 7, chapter 59," and by substituting the language "video programming service provider".

SECTION 3. Tennessee Code Annotated, Section 67-6-102(46)(B)(vii) is amended by deleting the language "Radio and television audio and video programming services shall include, but not be limited to, cable service, as defined in 4 U.S.C. §522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3".

SECTION 4. Tennessee Code Annotated, Section 67-6-103(f) is amended by deleting both instances of the language "cable television service provider authorized pursuant to title 7, chapter 59, or by a provider of wireless cable television services (multipoint distribution service/multichannel multipoint distribution service)" and by substituting in both instances the language "video programming service provider".

SECTION 5. Tennessee Code Annotated, Section 67-6-201(9) is amended by deleting the language "cable television service provider authorized pursuant to title 7, chapter 59, or by a provider of wireless cable television services (multipoint distribution service/multichannel multipoint distribution service)" and by substituting the language "video programming service provider".

SECTION 6. Tennessee Code Annotated, Section 67-6-226 is amended by deleting the language "cable television service provider authorized pursuant to title 7, chapter 59, or by a provider of wireless cable television services (multipoint distribution service/multichannel multipoint distribution service)" and by substituting the language "video programming service provider".

SECTION 7. Tennessee Code Annotated, Section 67-6-539(b) is amended by deleting the language "such as cable, wireless cable".

SECTION 8. Tennessee Code Annotated, Section 67-6-714 is amended by deleting the language "cable television service provider authorized pursuant to title 7, chapter 59, or by a provider of wireless cable television services (multipoint distribution service/multichannel multipoint distribution service)" and by substituting the language "video programming service provider".

SECTION 9. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, as amended by Chapter 357 of the Public Acts of 2003, as amended by Chapter 959 of the Public Acts of 2004, as amended by Chapter 311 of the Public Acts of 2005, is amended in § 67-6-329(a)(16) by deleting the language “cable television service provider authorized pursuant to title 7, chapter 59” and by substituting the language “video programming service provider”.

SECTION 10. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, as amended by Chapter 357 of the Public Acts of 2003, as amended by Chapter 959 of the Public Acts of 2004, as amended by Chapter 311 of the Public Acts of 2005, is amended in § 67-6-329(a)(17) by deleting the language “cable television service provider authorized pursuant to title 7, chapter 59, or by a provider of wireless cable television services (multipoint distribution service/multichannel multipoint distribution service)” and by substituting the language “video programming service provider”.

SECTION 11. Tennessee Code Annotated, Title 67, Chapter 4, Part 24, as amended by Chapter 357 of the Public Acts of 2003, as amended by Chapter 959 of the Public Acts of 2004, as amended by Chapter 311 of the Public Acts of 2005, is amended in § 67-4-2401(a) by deleting the language of the subsection and substituting instead the following:

(a) There is levied a privilege tax of nine percent (9%) of the gross charges or fees for providing video programming services as defined by Section 67-6-102(), when such services are delivered to the subscriber at a location in Tennessee.

SECTION 12. Tennessee Code Annotated, Title 67, Chapter 4, Part 24, as amended by Chapter 357 of the Public Acts of 2003, as amended by Chapter 959 of the Public Acts of 2004, as amended by Chapter 311 of the Public Acts of 2005, is amended in § 67-4-2401(b) by deleting the language of the subsection and substituting instead the following:

(b) Such tax shall not apply to the first fifteen dollars (\$15.00) of gross charges or fees for providing such video programming services.

SECTION 13. Tennessee Code Annotated, Title 67, Chapter 4, Part 24, as amended by Chapter 357 of the Public Acts of 2003, as amended by Chapter 959 of the Public Acts of 2004, as amended by Chapter 311 of the Public Acts of 2005, is amended in § 67-4-2409 by deleting

the language "cable television service, wireless cable television service," and by substituting the language "video programming service provider".

SECTION 14. This Act shall take effect upon becoming a law, the public welfare requiring it.